

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

**DESHA KING and
LEE'MON TILLERY,
Plaintiffs,**

v.

Case No. 11-C-0457

**KATZ PROPERTIES,
Defendant.**

DECISION AND ORDER

Plaintiffs Desha King and Lee'mon Tillery filed this action against their former landlord, Katz Properties, alleging various landlord-tenant issues. "The first thing a federal judge should do when a complaint is filed is check to see that federal jurisdiction is properly alleged." Wis. Knife Works v. Nat'l Metal Crafters, 781 F.2d 1280, 1282 (7th Cir. 1986). To properly allege federal jurisdiction, a plaintiff generally must either allege a violation of federal law or show that the plaintiffs and the defendant are citizens of different states and that the amount in controversy exceeds \$75,000. See 28 U.S.C. §§ 1331 & 1332. In the present case, the plaintiffs and defendant appear to all be citizens of Wisconsin, and so the only way this case could proceed in federal court is if it involved a violation of federal law. However, the complaint contains no allegations suggesting a federal claim, inasmuch as the landlord-tenant issues alleged in the complaint involve only state law, see, e.g., Wis. Stat. Ch. 704. Accordingly, I conclude that the federal courts lack subject matter jurisdiction over plaintiffs' claims. Should plaintiffs wish to pursue these claims further, they should file a complaint in a Wisconsin circuit court.

CONCLUSION

For the reasons stated, **IT IS ORDERED** that this action is **DISMISSED** for lack of subject matter jurisdiction. The Clerk of Court shall enter final judgment.

IT IS FURTHER ORDERED that plaintiffs' motions to proceed in forma pauperis are **GRANTED**.

Dated at Milwaukee, Wisconsin, this 18th day of May, 2011.

/s _____
LYNN ADELMAN
District Judge